

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JOHN MARCHISOTTO,

Plaintiff,

- against -

**CITY OF NEW YORK and
CARLA HOLLYWOOD,**

Defendants.

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05 Civ. 2699 (RLE)

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the attached Affirmation of David M. Fish and Declaration of Vivek V. Gupta and the exhibits attached thereto, the Memorandum of Law in Support of this Motion, dated November 19, 2008, and upon all the pleadings and proceedings heretofore had herein, the undersigned on behalf of the Plaintiff will move this Court, at the United States Courthouse at 500 Pearl Street, New York, New York 10007, at 9:30 a.m. on December 8, 2008, or as soon thereafter as counsel can be heard, for the award of attorneys fees and costs, pursuant to 42 U.S.C. Section 2005e-5(k) and Fed. Rules Civ. Proc. 54(d)(2) and for such other and further relief as this Court may deem just and proper.

Dated: New York, New York
November 19, 2008

DAVID M. FISH
COUNSELOR AND ATTORNEY AT LAW
Attorney for Plaintiff,

By: *David Fish*
David M. Fish (7606)
500 Fifth Avenue
Suite 5100
New York, New York 10110
(212) 869-1040

To: Phyllis Calistro, Esq.
The City of New York Law Department
Attorneys for Defendants
100 Church Street
New York, New York 10007

ATTORNEYS FEES REQUESTED**MERITS**

<u>Attorney</u>	<u>Merits Hours</u>	<u>Hourly Rate</u>	<u>Total fee Requested</u>
<u>David M. Fish, Counselor and Attorney at Law</u>			
David M. Fish	224.14	\$400	\$89,656.00
<u>Mark B. Stumer & Associates</u>			
Vivek V. Gupta	159.3	\$350	\$55,755.00
Subtotal			\$145,411
<u>Costs</u>			\$4,495.92
Subtotal			\$149,906.92

ATTORNEY'S FEES

David M. Fish	16.52	\$400	\$6,608.00
Subtotal			\$6,608.00
<u>Total:</u>			<u>\$156,514.92</u>